

Entered - 06/26/03 - sb  
CL - 03L0531 LISA CARTER

CLAIM OF: BESSIE HIGH  
350 Hillside Drive, SW  
Atlanta, Georgia 30310

03-*R*-1155

For damages alleged to have been sustained as a result of striking  
a manhole cover on June 22, 2003 at Larkin and Dora Streets.

THIS ADVERSED REPORT IS APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSED  
AUG 18 2003

AL ~~ANCE~~ REPORT

COMM *Public Safety*

DATE *7/29/03*

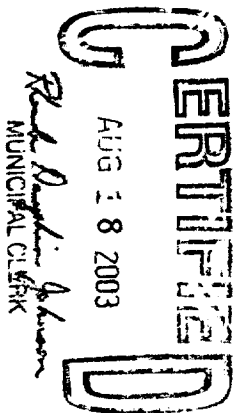
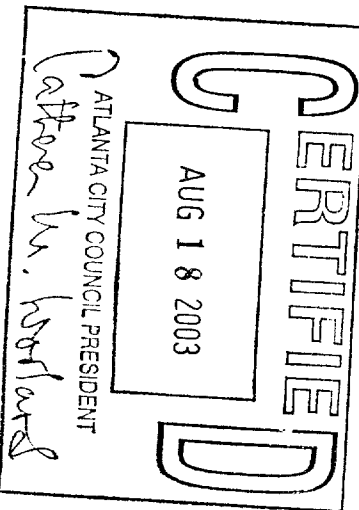
CHAIR *Clara Henderson*

*James*

*C. T. Martin*

*Wayne Norwood*

*H. P. Hill*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

August 27, 2003

Bessie High  
350 Hillside Dr., SW  
Atlanta, GA 30310

03-R-1155

Dear Mr. High:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on August 18, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

*Rhonda Dauphin Johnson*  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0531

Date: July 11, 2003

Claimant /Victim BESSIE HIGH

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 350 Hillside Drive, SW Atlanta, Georgia 30310

Subrogation: \_\_\_\_\_ Claim for Property damage \$ Not stated Bodily Injury \$ \_\_\_\_\_

Date of Notice: 06/26/03 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/22/03 Place: Larkin and Dora Streets, SW

Department Watershed Management Bureau: \_\_\_\_\_ Division: Sewer Operation

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that she sustained damages to her vehicle as a result of striking a manhole cover at Larkin and Dora Streets. However, the city was not on notice of the existence of the problem prior to the incident involving the claimant. Furthermore, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 07-14-03

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4947  
8/18/03  
2:06 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PGS. 1-11, EXCEPT:03-R-1165,  
03-R-1170, 03-R-1171,03-R-1172,03-R-1210  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4948  
8/18/03  
2:07 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I  
03-R-1170, 03-R-1171, 03-R-1172, 03-R-1210  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	B Archibong	Y Moore	A Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		8/18/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 03-O-1105 2. 03-O-0720 3. 03-O-0780 4. 03-R-1169 5. 03-R-1197 6. 03-R-1198 7. 03-R-1199 8. 03-R-1200 9. 03-R-1201 10. 03-R-1168 11. 03-R-1170 12. 03-R-1171 13. 03-R-1172 14. 03-R-1209 15. 03-R-1210 16. 03-R-1173 17. 03-R-1174 18. 03-R-1184 19. 03-R-1189 20. 03-R-1190 21. 03-R-1211 22. 03-R-1194 23. 03-R-1195 24. 03-R-1196 25. 03-R-1176 26. 03-R-1177 27. 03-R-1178 28. 03-R-1179 29. 03-R-1180 30. 03-R-1192	31. 03-R-1138 32. 03-R-1139 33. 03-R-1140 34. 03-R-1141 35. 03-R-1142 36. 03-R-1143 37. 03-R-1144	38. 03-R-1145 39. 03-R-1146 40. 03-R-1147 41. 03-R-1148 42. 03-R-1149 43. 03-R-1150 44. 03-R-1151 45. 03-R-1152 46. 03-R-1153 47. 03-R-1154 48. 03-R-1155 49. 03-R-1156 50. 03-R-1157 51. 03-R-1158 52. 03-R-1159 53. 03-R-1160 54. 03-R-1161 55. 03-R-1162 56. 03-R-1163 57. 03-R-1164

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4947)

Items Removed from the Consent Agenda: 03-R-1165; Mitchell abstained on 03-R-1170; 03-R-1171; 03-R-1172; & 03-R-1210